

EXHIBIT 16

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

15 **IN RE CATHODE RAY TUBE (CRT)**
16 **ANTITRUST LITIGATION**

Master File No. 3:07-cv-05944-SC

17 | This Document Relates To:

MDL No. 1917

18 *Target Corp., et al. v. Technicolor SA, et al.*, Case No. 13-cv-05686

Individual Case No. 13-cv-05686

**PLAINTIFF TARGET CORP.'S
RESPONSES AND OBJECTIONS TO
DEFENDANTS THOMSON SA AND
THOMSON CONSUMER ELECTRONICS,
INC.'S FIRST SET OF REQUESTS FOR
ADMISSION**

23 PROPOUNDING PARTY: Defendants Thomson SA (n/k/a Technicolor SA) and Thomson
24 Consumer Electronics, Inc.(n/k/a/ Technicolor USA, Inc.)

25 | RESPONDING PARTY: Plaintiff Target Corporation

26 | SET NO.: ONE

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Plaintiff Target Corp. (“Target”) hereby responds and objects to the First Set of Requests for Admission to Target

1 (“Requests”) served by counsel for Defendants Thomson SA and Thomson Consumer
 2 Electronics, Inc.’s (collectively, “Defendants”) in the above-captioned matter. For the reasons
 3 specified below, Target objects generally and specifically to all specifications in the Requests.
 4 Target reserves the right to supplement the objections and responses set forth below.

5 **GENERAL OBJECTIONS**

6 Target asserts the following General Objections to the Requests, which are incorporated
 7 by reference in each specific response as though set forth fully therein:

8 1. Target objects to the Requests to the extent they are overbroad, burdensome, and
 9 seek information that is outside the scope of any allowable discovery by the Federal Rules of
 10 Civil Procedure, the Local Rules of the District Court for the Northern District of California, or
 11 any order of this Court. Target will respond as provided by the Federal Rules of Civil Procedure
 12 or by order of the Court, and at the appropriate time.

13 2. Target objects to the Requests to the extent that they seek information protected by
 14 the attorney-client privilege and/or attorney work-product doctrine, the joint prosecution
 15 privilege, or any other privilege or doctrine of confidentiality provided by law, or that otherwise
 16 constitutes information prepared for or in anticipation of litigation. Such information will not be
 17 produced; any production thereof is inadvertent and not a waiver of any applicable privilege or
 18 protection against disclosure.

19 3. Target objects to the Requests to the extent that they duplicate other requests, in
 20 whole or in part, made by other defendants in this matter, in violation of the integration order
 21 included in section XV, subsections D and E of the Court’s “Order Re Discovery and Case
 22 Management Protocol,” *In re Cathode Ray Tube Antitrust Litigation*, Case No. 07-cv-05944-SC
 23 MDL No. 1917 (N.D. Cal April 3, 2012), Docket No. 1128.

24 4. Target objects to the Requests to the extent that they seek information not
 25 currently in Target’s possession, custody, or control.

26 5. Target objects to the Requests to the extent that they seek information already in
 27 the possession, custody or control of Defendants.

28

1 6. Target objects to the Requests to the extent they seek information, or purport to
 2 impose duties or obligations, beyond those set forth in the Federal Rules of Civil Procedure or the
 3 Local Rules of this Court. Target does not agree to undertake any obligations beyond those
 4 required by those rules.

5 7. Target objects to the Requests to the extent that they are unreasonable, oppressive,
 6 unintelligible, vague, ambiguous, and unduly burdensome and for which the acquisition of
 7 information responsive to each would cause Target undue annoyance and expense.

8 8. Target objects to the Requests to the extent that they seek information not related
 9 to the claims or defenses of any party in this matter or are not reasonably calculated to lead to the
 10 discovery of admissible evidence.

11 9. Target objects to the Requests to the extent that the information sought is
 12 unreasonably cumulative or duplicative, or is obtainable from a source other than Target that is
 13 more convenient, less burdensome, or less expensive. Target also objects to the Requests to the
 14 extent that they seek information that can be more easily obtained by Defendants from public
 15 sources.

16 10. Target objects to the Requests to the extent that they contain terms that are vague
 17 or ambiguous. Target also objects to Defendants' definitions of words to the extent they are
 18 inconsistent with the plain meaning of those words or impose an expanded definition of the words
 19 or phrases. By responding to a request containing such definitions, Target does not adopt the
 20 definitions of the terms propounded by Defendants. Instead, Target expressly reserves its right to
 21 narrow the scope of the purported definition.

22 11. Target objects to the definitions of "And," "Or," "Any," "You," "Your,"
 23 "Yourself," "Document," and "Documents" to the extent that such definitions make the Requests
 24 overly broad, unduly burdensome, or seek information that is not relevant to the subject matter of
 25 this litigation and, therefore, render the Requests not reasonably calculated to lead to the
 26 discovery of admissible evidence.

27 12. Target objects to the Requests to the extent that Defendants are drawing a
 28 distinction between CRTs and CRT products. Target interprets all requests related to CRTs to

1 include its purchases of CRT products, which contain CRTs.

2 13. Target objects to the Requests to the extent that they call for disclosure of
 3 information containing trade secrets or proprietary, sensitive, or other confidential business
 4 information.

5 14. Target objects to the Requests to the extent that they seek legal conclusions and
 6 supporting facts that are not reasonably ascertainable or available at this stage of the litigation.

7 15. Target objects to the Requests to the extent that they call for expert testimony.
 8 Target will provide expert disclosures as provided by the Federal Rules of Civil Procedure or by
 9 order of the Court, and at the appropriate time.

10 16. Target objects to the Requests to the extent that they would require Target to
 11 disclose information that would cause Target to violate its existing contractual obligations to
 12 other parties to maintain the confidentiality of such information.

13 17. Target objects to the Requests to the extent that they seek admissions of legal
 14 conclusions and supporting facts that are not reasonably ascertainable or available at this stage of
 15 the litigation.

16 18. Target objects to the Requests to the extent that they are premature. In responding
 17 to such requests, Target in no way concedes their relevance to the merits and expressly reserves
 18 other objections to those requests. Target has not completed its discovery and preparation in this
 19 matter, and Target's investigation of this case is ongoing. Target's responses are being made
 20 after reasonable inquiry into the relevant facts, and the responses are based only upon the
 21 information and documentation that is presently available to and known to Target. Further
 22 investigation and discovery may result in the identification of additional information or
 23 contentions, and Target reserves the right to modify its responses. Target's responses should not
 24 be construed to prejudice Target's right to conduct further investigation in this case, or to limit
 25 Target's use of any additional evidence that may be developed.

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RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Admit that You have no evidence that Thomson SA manufactured or sold CDTs during the Relevant Period.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

6 Target refers to and incorporates its General Objections as though set forth fully herein.

7 Target further objects to this Request on the grounds that it is overbroad and unduly burdensome.

8 Target further objects to this Request on the grounds that it is premature as it requires Target to

9 review and analyze all information obtained in discovery thus far and state its entire case on an

10 incomplete record. Target further objects to this Request to the extent that it seeks information

11 that is in Defendants' possession, custody, or control, or equally available to Defendants. Target

12 further objects to this Request to the extent that it seeks information that is the subject of expert

13 opinions, reports, and/or testimony. Target further objects to this Request to the extent that it

14 seeks, in contravention of well-established legal principles, to dismember the overall conspiracy

15 to focus on its separate parts, instead of looking at it as a whole, *see In re CRT Antitrust*

16 *Litigation*, Master Docket No. 3:07-cv-05944sc, Recommended Order of the Special Master,

17 dated August 15, 2014 ("If 'compartmentalizing' an alleged conspiracy at trial or on summary

18 judgment motion is not appropriate, still less is it appropriate in discovery"); *Continental Ore Co.*

19 *v. Union Carbide & Carbon Corp.*, 370 U.S. 690, 699 (1962); *Beltz Travel Service, Inc. v. Int'l*

20 *Air Trans. Assoc.*, 620 F.2d 1360, 1366-67 (9th Cir. 1980) (citing *United States v. Patten*, 226

21 U.S. 525, 544 (1913)), and improperly seeks "to carve the alleged conspiracy into a number of

22 mini-conspiracies." *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. M 07-1827 SI, 2011

23 WL 7724271, at *1-2 (N.D. Cal. Nov. 8, 2011). Target further objects to this Request to the

24 extent that it seeks to attribute a particular action to a specific Thomson entity when all of the

25 Thomson entities named as defendants were owned and controlled and acted pursuant to the

26 overall strategy and direction of Thomson SA.

27 Subject to and without waiving the foregoing objections, Target admits this Request.
28 Target reserves the right to supplement its response to this Request for Admission based on

1 further discovery, investigation, expert work, or other developments in this case.

2 **REQUEST FOR ADMISSION NO. 2:**

3 Admit that You have no evidence that Thomson SA manufactured or sold CDT Products
4 during the Relevant Period.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

6 Target refers to and incorporates its General Objections as though set forth fully herein.
7 Target further objects to this Request on the grounds that it is overbroad and unduly burdensome.
8 Target further objects to this Request on the grounds that it is premature as it requires Target to
9 review and analyze all information obtained in discovery thus far and state its entire case on an
10 incomplete record. Target further objects to this Request to the extent that it seeks information
11 that is in Defendants' possession, custody, or control, or equally available to Defendants. Target
12 further objects to this Request to the extent that it seeks information that is the subject of expert
13 opinions, reports, and/or testimony. Target further objects to this Request to the extent that it
14 seeks, in contravention of well-established legal principles, to dismember the overall conspiracy
15 to focus on its separate parts, instead of looking at it as a whole, *see In re CRT Antitrust*
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20 *Air Trans. Assoc.*, 620 F.2d 1360, 1366-67 (9th Cir. 1980) (citing *United States v. Patten*, 226
21 U.S. 525, 544 (1913)), and improperly seeks "to carve the alleged conspiracy into a number of
22 mini-conspiracies." *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. M 07-1827 SI, 2011
23 WL 7724271, at *1-2 (N.D. Cal. Nov. 8, 2011). Target further objects to this Request to the
24 extent that it seeks to attribute a particular action to a specific Thomson entity when all of the
25 Thomson entities named as defendants were owned and controlled and acted pursuant to the
26 overall strategy and direction of Thomson SA.

27 Subject to and without waiving the foregoing objections, Target admits this Request.
28 Target reserves the right to supplement its response to this Request for Admission based on

1 further discovery, investigation, expert work, or other developments in this case.

2 **REQUEST FOR ADMISSION NO. 3:**

3 Admit that You have no evidence that Thomson Consumer manufactured or sold CDTs
4 during the Relevant Period.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

6 Target refers to and incorporates its General Objections as though set forth fully herein.
7 Target further objects to this Request on the grounds that it is overbroad and unduly burdensome.
8 Target further objects to this Request on the grounds that it is premature as it requires Target to
9 review and analyze all information obtained in discovery thus far and state its entire case on an
10 incomplete record. Target further objects to this Request to the extent that it seeks information
11 that is in Defendants' possession, custody, or control, or equally available to Defendants. Target
12 further objects to this Request to the extent that it seeks information that is the subject of expert
13 opinions, reports, and/or testimony. Target further objects to this Request to the extent that it
14 seeks, in contravention of well-established legal principles, to dismember the overall conspiracy
15 to focus on its separate parts, instead of looking at it as a whole, *see In re CRT Antitrust*
16 *Litigation*, Master Docket No. 3:07-cv-05944sc, Recommended Order of the Special Master,
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19 *v. Union Carbide & Carbon Corp.*, 370 U.S. 690, 699 (1962); *Beltz Travel Service, Inc. v. Int'l*
20 *Air Trans. Assoc.*, 620 F.2d 1360, 1366-67 (9th Cir. 1980) (citing *United States v. Patten*, 226
21 U.S. 525, 544 (1913)), and improperly seeks "to carve the alleged conspiracy into a number of
22 mini-conspiracies." *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. M 07-1827 SI, 2011
23 WL 7724271, at *1-2 (N.D. Cal. Nov. 8, 2011). Target further objects to this Request to the
24 extent that it seeks to attribute a particular action to a specific Thomson entity when all of the
25 Thomson entities named as defendants were owned and controlled and acted pursuant to the
26 overall strategy and direction of Thomson SA.

27 Subject to and without waiving the foregoing objections, Target admits this Request.

28 Target reserves the right to supplement its response to this Request for Admission based on

1 further discovery, investigation, expert work, or other developments in this case.

2 **REQUEST FOR ADMISSION NO. 4:**

3 Admit that You have no evidence that Thomson SA manufactured or sold CDT Products
4 during the Relevant Period.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

6 Target refers to and incorporates its General Objections as though set forth fully herein.
7 Target further objects to this Request on the grounds that it is overbroad and unduly burdensome.
8 Target further objects to this Request on the grounds that it is premature as it requires Target to
9 review and analyze all information obtained in discovery thus far and state its entire case on an
10 incomplete record. Target further objects to this Request to the extent that it seeks information
11 that is in Defendants' possession, custody, or control, or equally available to Defendants. Target
12 further objects to this Request to the extent that it seeks information that is the subject of expert
13 opinions, reports, and/or testimony. Target further objects to this Request to the extent that it
14 seeks, in contravention of well-established legal principles, to dismember the overall conspiracy
15 to focus on its separate parts, instead of looking at it as a whole, *see In re CRT Antitrust*
16 *Litigation*, Master Docket No. 3:07-cv-05944sc, Recommended Order of the Special Master,
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18 judgment motion is not appropriate, still less is it appropriate in discovery"); *Continental Ore Co.*
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20 *Air Trans. Assoc.*, 620 F.2d 1360, 1366-67 (9th Cir. 1980) (citing *United States v. Patten*, 226
21 U.S. 525, 544 (1913)), and improperly seeks "to carve the alleged conspiracy into a number of
22 mini-conspiracies." *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. M 07-1827 SI, 2011
23 WL 7724271, at *1-2 (N.D. Cal. Nov. 8, 2011). Target further objects to this Request to the
24 extent that it seeks to attribute a particular action to a specific Thomson entity when all of the
25 Thomson entities named as defendants were owned and controlled and acted pursuant to the
26 overall strategy and direction of Thomson SA.

27 Subject to and without waiving the foregoing objections, Target admits this Request.

28 Target reserves the right to supplement its response to this Request for Admission based on

1 further discovery, investigation, expert work, or other developments in this case.

2 DATED: September 5, 2014

3 By: /s/ Astor H.L. Heaven

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